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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

NORTHERN DIVISION

MICHAEL AMES,
Plaintiff,
v.
TODD CHRISTENSEN,
Defendant.

**AFFIDAVIT OF
CORPORAL CHET HARTLEY
IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

Judge Dale A. Kimball

STATE OF UTAH)
) ss.
COUNTY OF WEBER)

I, CHET HARTLEY, having been duly sworn, under oath, state that the following statements are true and based upon my personal knowledge:

1. I am an adult resident of Weber County, State of Utah and a United States citizen. If I were to testify in Court, I would testify to the facts contained in this Affidavit.

2. I was a Deputy with Weber County Sheriff's Office. I was employed by Weber County Sheriff's Office for over 20 years before my retirement in September 2012.

3. During all relevant times, I was a Deputy with Weber County Sheriff's Office. I am certified by the Utah Division of Peace Officers Standards and Training (POST). I have over 20 years of experience as a Sheriff's Deputy.

4. I am familiar with the lawsuit against Deputy Christensen and have read the Amended Complaint filed by Plaintiff.

5. During the afternoon of March 25, 2011, I was assisting with looking for Plaintiff Ames, who was a suspect involved in a bank robbery and two car jackings. Plaintiff was believed to be armed and dangerous.

6. During the search around 4:00 p.m., I learned Plaintiff had entered a house located at 3940 Raymond Avenue, Ogden, Utah. I took up position on the southeast corner of the house, which was in the backyard, with two other officers.

7. After a short time of waiting at this corner, I saw Deputy Todd Christensen on the northeast corner of the house. I recognized I was in a cross fire situation and just maintained a cover position.

8. I saw two males exit the back door. I saw the homeowners strike Plaintiff in the head.

9. Plaintiff was struck on the left side of the head, which caused him to move in a north direction, towards Christensen.

10. I started to advance from my position and saw Christensen point his pistol at Plaintiff. I heard several shots ring out very fast. I then saw the suspect fall to the ground. The entire exchange took about two seconds.

11. I was about only 10 feet away from the plaintiff when Christensen fired these shots. No shots were fired after the Plaintiff fell to the ground.

12. Plaintiff posed a direct threat to Christensen's safety when he turned toward him after coming out of the house with what appeared to be a gun in his hand.

13. Other officers who were on the scene immediately came over to Plaintiff to arrest him after he fell to the ground.

14. Plaintiff was quickly handcuffed and sat up. Plaintiff was not shot again beyond what is described above.

DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that the above sworn statements are true and based upon my personal knowledge and experience.

Dated this 23rd day of May, 2013.

/s/ Chet Hartley

Corporal Chet Hartley
Formerly of the Weber County
Sheriff's Department